

CITY OF TIGARD, OREGON

ORDINANCE NO. 05- 03

**AN ORDINANCE CONCERNING THE VACATION OF A PUBLIC SEWER UTILITY EASEMENT OF APPROXIMATELY 1,248 SQUARE FEET LOCATED AT SW FREWING STREET AT SW PACIFIC HIGHWAY, IN THE CITY OF TIGARD, WASHINGTON COUNTY, OREGON (VAC2004-00002).**

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WHEREAS, the Tigard City Council initiated this vacation request pursuant to Section 15.08.040 of the Tigard Municipal Code on January 11<sup>th</sup>, 2005, and has been recommended by the Community Development Department; and

WHEREAS, the approximate 1,248 square foot public sewer easement had previously been granted to the public; and

WHEREAS, the applicant has requested that the City of Tigard vacate this public sewer easement as described in **Exhibit A** and shown in **Exhibit B** located on property better known as 9965 SW Frewing; and

WHEREAS, the said sewer utility easement, or portions thereof, are not necessary to advance the public health, safety or welfare, in consideration of realigned easement and reconstructed sewer line using modern materials; and

WHEREAS, all affected service providers, including utility companies and emergency service providers, have been given the opportunity to review the vacation proposal and have provided no objections; and

WHEREAS, notice has been mailed to all property owners abutting said vacation area and all owners in the affected area, as described by ORS 271.080; and

WHEREAS, in accordance with Tigard Municipal Code 15.08.120, notice of the public hearing was posted in the area to be vacated and published in the newspaper; and

WHEREAS, the property owners of the majority of the area affected have not objected in writing; and

WHEREAS, the City Council having considered the request on February 8, 2005, finds that it is in the public interest to approve the request to vacate said public sewer easement as the public interest will not be prejudiced by this vacation, as provided by ORS 271.120 and TMC Section 15.08.130; and

WHEREAS, the vacation of said public sewer easement is necessary to construct the approved improvements on the subject site.

NOW, THEREFORE, THE CITY OF TIGARD ORDAINS AS FOLLOWS:

SECTION 1: The Tigard City Council hereby orders the vacation of said 1,248 square foot portion of public right-of-way as shown and described in the attached **Exhibits "A" and "B"** (legal descriptions and maps of the areas to be vacated), and by this reference, made part thereof.

PASSED: By unanimous vote of all Council members present after being read by number and title only, this 8<sup>th</sup> day of February, 2005.

Catherine Wheatley  
City Recorder – City of Tigard

APPROVED: By Tigard City Council this 8<sup>th</sup> day of February, 2005.

Craig Dirksen  
Craig Dirksen, Mayor

Approved as to form:

Timothy V. Rasmussen  
City Attorney

2-8-05  
Date

LEGAL DESCRIPTION  
VACATE SANITARY SEWER EASEMENT  
MASSIH PROPERTY

The following described real property situated in the State of Oregon, County of Washington, City of Tigard being a portion of Lot 21, Frewing Orchard Tracts, situated in the Northwest quarter of Section 21, Township 2 South, Range 1 West of the Willamette Meridian;

An easement for sanitary sewer, 10.00 feet in width, the center of which is described as follows; Beginning at a 5/8" iron bar marked "O.D.O.T" in the centerline of Pacific Highway and running thence North 45° 39' 01" East along said centerline a distance of 205.24 feet to it's intersection with the centerline of S.W. Frewing Street; Thence South 53° 16' 00" East along said centerline a distance of 153.94 feet; Thence North 45° 48' 00" East a distance of 20.25 feet to the true point of beginning of the tract herein described; Thence North 45° 48' 00" East, a distance of 124.84 feet to the end of this easement.

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Thomas P. Swart*

OREGON  
JULY 16, 1987  
THOMAS P. SWART  
2312

VACATED SANITARY SEWER EASEMENT EXHIBIT  
 PACIFIC PARK PLAZA  
 SW FREWING STREET  
 SCALE: 1"=40'

